

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JONATHAN DEWAYNE COOPER

PETITIONER

V.

CIVIL ACTION NO.4:12CV77-SA-DAS

WARDEN R. BYRD, et al.

RESPONDENTS

REPORT AND RECOMMENDATION

Cooper has filed a petition for writ of habeas corpus in this action. He has moved for injunctive relief. However his claim for injunctive relief has no bearing on the claims asserted in the habeas petition. Cooper alleges that he is in imminent danger of serious personal injury. He alleges that he has been attacked more than once by members of a rival gang. He asserts that individuals not named in this action have moved him to protective custody but that he is not adequately protected from attacks. Both of the attacks he alleges occurred at corrections facilities within the Southern, not Northern District of Mississippi. The court has no jurisdiction over the parties or the subject matter.

It is recommended that the motion for injunctive relief be denied.

The parties are referred to 28 U.S.C. § 636(b)(1) and Local Rule 72(a)(3) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections must be in writing and must be filed within fourteen days of this date. Failure to timely file objections to the proposed findings and recommendations will bar an aggrieved party from challenging on appeal both the proposed factual findings and the proposed legal conclusions that are accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Petitioner is directed to acknowledge receipt of this report and recommendation by

signing the enclosed acknowledgment form and returning it to the court within fourteen days of this date. Petitioner is warned that failure to comply with the requirements of this paragraph may lead to the dismissal of this lawsuit under F.R.Civ.P. 41(b) for failure to prosecute and for failure to comply with an order of the court.

This the 27th day of December, 2012.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE